

E-FILED 7/11/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SUSANNE PALMER,

Plaintiff,

v.

I.C. SYSTEM, INC., ET AL.,

Defendants.

NO. 5:04-cv-3237 RMW (RS)

ORDER VACATING HEARING
DATE AND DIRECTING COUNSEL
TO MEET AND CONFER
REGARDING AMENDED
DISCOVERY RESPONSES

On June 24, 2005, the Court issued an order directing counsel for plaintiff Susanne Palmer ("Palmer") to file a declaration confirming whether or not he had met and conferred with defense counsel prior to filing the motion to compel further discovery, presently set for hearing on July 13, 2005. On June 29, 2005, counsel filed a supplemental declaration stating that, although he did not meet with defense counsel regarding the amended discovery responses, which are the subject of the motion to compel, he concluded that a further "meet and confer" session was unnecessary since the parties had met extensively with respect to the initial discovery responses provided by defendant I.C. Systems, Inc. ("ICS"), and the amended discovery responses provide only slightly altered information.

Civil L.R. 37-1 requires that counsel meet and confer in an attempt to resolve their differences regarding discovery disputes prior to filing a motion to compel. As the declarations filed by counsel confirm, they did not meet and confer regarding the discovery which is the subject of the present motion to compel. See

1 Declaration of Andrew Steinheimer at ¶ 2; Supplemental Declaration of Paul Arons at ¶ 1. As a result,
2 pursuant to the "meet and confer" requirement set forth in L.R. 37-1, the hearing on July 13, 2005 regarding
3 Palmer's motion to compel is vacated and the parties are ordered to meet and confer regarding the amended
4 discovery responses filed by ICS. If that meeting is unsuccessful, Palmer may re-notice her motion to compel
5 in compliance with Civil L.R. 37-1.

6 IT IS SO ORDERED.

7 Dated: July 11, 2005

/s/ Richard Seeborg
RICHARD SEEBORG
United States Magistrate Judge

THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: July 11, 2005

Chambers of Judge Richard Seeborg

By: /s/ BAK